

The Georgia State Board of Physical Therapy met via Conference Call on **February 21, 2005** at 1:00 P.M. in the offices of the Secretary of State Professional Licensing Boards Division, Macon, Georgia for the purpose of conducting Board business.

**Board Members present were:**

- Sandy Eskew Capps, P.T., President
- Brad S. Freemyer, P.T.
- Lola Rosenbaum, P.T.
- Bernice Chaney, P.T.A. (Connected to call at 2:10)

**Others present were:**

- Anita O. Martin, Executive Director
- Lea F. Williams, Board Secretary
- Tricia Downing, Board Attorney

Ms. Capps established that a quorum was not present and called the meeting to order in **OPEN SESSION** at 1:02 P.M. with those board members in attendance working as a committee. After Ms. Chaney joined the meeting, a quorum was established and the Board made the following votes:

**Senate Bill 184:** Ms. Rosenbaum motioned, Mr. Freemyer seconded, and the Board voted to **send** a letter to the Senate Committee, and a copy to the Chiropractic Board, expressing the Board's concerns with the proposed legislative changes. (Attachment #1)

**House Bill 266:** Mr. Freemyer motioned, Ms. Rosenbaum seconded, and the Board voted to **send** a letter to the House Committee expressing the Board's concerns that the passing of the proposed legislative change would allow the expungement of cease and desist orders issued by the Physical Therapy Board. (Attachment #2)

**Senate Bill 110:** The Board tabled this item and will revisit and discuss it in the March meeting.

**E-mail from Carolyn Hill:** Ms. Chaney motioned, Mr. Freemyer seconded and the Board voted to refer Ms. Hill to the consultation language, board rule 490-9-.02 and Georgia laws 43-33-3(7) and 43-33-18(a)(1) and to advise that reimbursement issues should be deferred to the insurance companies.

There being no further business to come before the Board, the Conference Call adjourned at 2:30 P.M. on February 21, 2005.

Minutes prepared by Board Secretary, Lea Williams.

Minutes reviewed by Executive Director, Anita Martin.

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Sandy Eskew Capps, Board President

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Mollie Fleeman, Division Director



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Professional Licensing Boards Division  
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**Cathy Cox**  
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**Mollie L. Fleeman**  
DIVISION DIRECTOR  
Professional Licensing Boards Division

February 22, 2005

The Honorable Senator Don R. Thomas  
Chair, Health and Human Services Committee  
228 State Capitol  
Atlanta, Georgia 30034

Dear Senator Thomas:

At a conference call meeting on February 21, 2005, the Georgia State Board of Physical Therapy reviewed Senate Bill 184 pertaining to proposed changes to O.C.G.A. Title 43, Chapter 9. During the meeting, the Board voted to notify you of concerns and suggestions for revision. These suggestions are as follows:

**43-9-1(2)** with the removal of the statement "provided, however, that the provisions of this Code section shall not prevent any other healthcare provider from administering techniques authorized within the scope of practice." the board is concerned that this change may limit access for consumers to qualified, duly licensed healthcare providers.

**43-9-1(5)** with the addition of the definition of "Subluxation" as drafted, the board is concerned that it appears to limit the care and treatment of this condition to Doctors of Chiropractic only.

**43-9-16(b)** with the addition of the statement "or directly supervise the use of" the board is concerned with the delegation of treatment to unlicensed persons, even with the requirement of direct supervision. The interventions/modalities listed have previously required a trained and duly licensed healthcare provider to safely deliver these patient care services.

**43-9-16(b)** with the addition of the statement "exercise, myofascial therapy, massage, vitamins, minerals, food supplements, rehabilitative procedures," the board is concerned that the use of the terms exercise and rehabilitative procedures specifically are too broad. Also, the board is concerned that Doctors of Chiropractic may not be sufficiently trained to safely deliver these patient care services.

**43-9-16(b)** with the removal of the statements "nonprescription, over-the counter" and "which are commonly available through retail pharmacy outlets," the board is concerned that these changes may expand the scope of practice for Doctors of Chiropractic.

**43-9-16(e)** with the addition of the statement “Chiropractors who have complied with this chapter may order laboratory tests, urinalysis, and diagnostic imaging and neurodiagnostic studies as indicated.” the board is concerned that Doctors of Chiropractic may not be sufficiently trained to safely provide for these services.

**43-9-16(h)** with the removal of the statement “If a chiropractor performs upon a patient any act authorized to be so performed under this chapter but which act also constitutes a standard procedure of the practice of medicine, including but not limited to the use of modalities such as those described in subsection (b) of this Code section and Xrays, under similar circumstances the chiropractor shall be held to the same standard of care as would licensed doctors of medicine who are qualified to and who actually perform those acts under similar conditions and like circumstances.”, the board is concerned that it alters the previously established standard of practice thus minimizing patient safety.

**43-9-16 former subsection (i)** with the removal of the statement “Any such recommendation of vitamins, minerals, or food supplements shall not be construed to allow chiropractors to treat patients outside the scope of the practice of chiropractic as set forth in this chapter nor shall this subsection be construed to allow chiropractors to sell at a profit any such vitamins, minerals, or food supplements without providing their generic name.” the board finds implies that a chiropractor may sell these items at a profit which may create a conflict of interest for patients.

The board asks that you take these matters into consideration when further reviewing this proposed legislation.

If I can provide additional assistance to you concerning this matter, please do not hesitate to contact me at 478-207-1693 or via e-mail at [aomartin@sos.state.ga.us](mailto:aomartin@sos.state.ga.us).

Sincerely,

Anita O. Martin, Executive Director  
Georgia State Board of Physical Therapy

Copy:            Senator David Adelman  
                  Senator Don Balfour  
                  Senator Gloria S. Butler  
                  Senator Greg Goggans  
                  Senator Johnny Grant  
                  Senator Steve Henson  
                  Senator Judson H. Hill  
                  Senator Preston W. Smith  
                  Senator Horacena Tate  
                  Senator Renee Unterman



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Professional Licensing Boards Division

February 22, 2005

The Honorable Representative Sharon Cooper  
Chair, Health and Human Services Committee  
228 State Capitol  
Atlanta, Georgia 30034

Dear Representative Cooper:

At a conference call meeting on February 21, 2005, the Georgia State Board of Physical Therapy reviewed House Bill 266 pertaining to proposed changes to O.C.G.A. Title 43, Chapter 9. During the meeting, the Board voted to notify you of concerns surrounding this proposed legislation. The board hopes that this legislation can be clarified to assure that any orders entered into between a Georgia licensed chiropractor and the Georgia State Board of Physical Therapy would not be subject to being expunged.

The board asks that you take this matter into consideration when further reviewing this proposed legislation.

If I can provide additional assistance to you concerning this matter, please do not hesitate to contact me at 478-207-1693 or via e-mail at [aomartin@sos.state.ga.us](mailto:aomartin@sos.state.ga.us).

Sincerely,

Anita O. Martin, Executive Director  
Georgia State Board of Physical Therapy

Copy: Representative Ed Rynders  
Representative Buddy Carter  
Representative Jeff Brown  
Representative Charlice H. Byrn  
Representative Mike Cheakas  
Representative Ron Dodson

Representative Karla Drenner  
Representative Tom Graves  
Representative David B. Graves  
Representative Bill Hembree  
Representative Michelle D. Henson  
Representative Sistie Hudson  
Representative Paul Jennings  
Representative Sheila Jones  
Representative Mike Keown  
Representative Jane Kidd  
Representative Jimmy Lord  
Representative Barry Dean Loudermilk  
Representative John Lunsford  
Representative Gene Maddox  
Representative JoAnn McClinton  
Representative Fran Millar  
Representative Billy Mitchell  
Representative Howard Mosby  
Representative Don Parsons  
Representative Nikki T. Randall  
Representative Stacey G. Reece  
Representative Tommy Smith  
Representative Pam Stephenson  
Representative Mable Thomas  
Representative Stan Watson  
Representative Joe Wilkinson  
Georgia Board of Chiropractic Examiners